

AMENDED IN ASSEMBLY APRIL 21, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

ASSEMBLY BILL

No. 874

Introduced by Assembly Member Saldana

February 26, 2009

An act to amend Section 115800 of the Health and Safety Code, relating to recreational activities.

LEGISLATIVE COUNSEL'S DIGEST

AB 874, as amended, Saldana. Recreational activities: skateboarding.

Existing law prohibits an operator of a skateboard park from permitting any person to ride a skateboard in the park unless that person is wearing a helmet, elbow pads, and knee pads. Existing law further describes how those requirements may be satisfied with respect to a recreational skateboard facility owned or operated by a local agency, as specified. *Existing law also requires local public agencies to maintain a record of all known or reported injuries incurred by skateboarders in a public skateboard park or facility, and other information regarding these incidents, as specified, and requires that copies of those records be filed annually with the Judicial Council, which is required to submit a report to the Legislature by March 31, 2011, on these incidents, including claims arising therefrom.*

This bill would remove the requirement that any person riding a skateboard in the park must wear elbow pads and knee pads. *This bill would also remove the requirement that local public agencies maintain and file records regarding skateboard injuries and delete the requirement that the Judicial Council submit a report to the Legislature on these incidents.*

Vote: majority. Appropriation: no. Fiscal committee: no.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 SECTION 1. Section 115800 of the Health and Safety Code,
2 as amended by Section 1 of Chapter 140 of the Statutes of 2006,
3 is amended to read:
4 115800. (a) No operator of a skateboard park shall permit any
5 person to ride a skateboard therein, unless that person is wearing
6 a helmet.
7 (b) With respect to any facility, owned or operated by a local
8 public agency, that is designed and maintained for the purpose of
9 recreational skateboard use, and that is not supervised on a regular
10 basis, the requirements of subdivision (a) may be satisfied by
11 compliance with the following:
12 (1) Adoption by the local public agency of an ordinance
13 requiring any person riding a skateboard at the facility to wear a
14 helmet.
15 (2) The posting of signs at the facility affording reasonable
16 notice that any person riding a skateboard in the facility must wear
17 a helmet and that any person failing to do so will be subject to
18 citation under the ordinance required by paragraph (1).
19 (c) "Local public agency" for purposes of this section includes,
20 but is not limited to, a city, county, or city and county.
21 (d) (1) Skateboarding at any facility or park owned or operated
22 by a public entity as a public skateboard park, as provided in
23 paragraph (3), shall be deemed a hazardous recreational activity
24 within the meaning of Section 831.7 of the Government Code if
25 all of the following conditions are met:
26 (A) The person skateboarding is 12 years of age or older.
27 (B) The skateboarding activity that caused the injury was stunt,
28 trick, or luge skateboarding.
29 (C) The skateboard park is on public property that complies
30 with subdivision (a) or (b).
31 (2) In addition to the provisions of subdivision (c) of Section
32 831.7 of the Government Code, nothing in this section is intended
33 to limit the liability of a public entity with respect to any other
34 duty imposed pursuant to existing law, including the duty to protect
35 against dangerous conditions of public property pursuant to Chapter

2 (commencing with Section 830) of Part 2 of Division 3.6 of Title
1 of the Government Code. However, nothing in this section is
intended to abrogate or limit any other legal rights, defenses, or
immunities that may otherwise be available at law.

(3) For public skateboard parks that were constructed on or
before January 1, 1998, this subdivision shall apply to hazardous
recreational activity injuries incurred on or after January 1, 1998,
and before January 1, 2001. For public skateboard parks that are
constructed after January 1, 1998, this subdivision shall apply to
hazardous recreational activity injuries incurred on or after January
1, 1998, and before January 1, 2012. For purposes of this
subdivision, any skateboard facility that is a movable facility shall
be deemed constructed on the first date it is initially made available
for use at any location by the local public agency.

~~(4) The appropriate local public agency shall maintain a record
of all known or reported injuries incurred by a skateboarder in a
public skateboard park or facility. The local public agency shall
also maintain a record of all claims, paid and not paid, including
any lawsuits and their results, arising from those incidents that
were filed against the public agency. Beginning in 1999, copies
of these records shall be filed annually, no later than January 30
each year, with the Judicial Council, which shall submit a report
to the Legislature on or before March 31, 2011, on the incidences
of injuries incurred, claims asserted, and the results of any lawsuit
filed, by persons injured while skateboarding in public skateboard
parks or facilities.~~

~~(5)~~

(4) This subdivision shall not apply on or after January 1, 2001,
to public skateboard parks that were constructed on or before
January 1, 1998, but shall continue to apply to public skateboard
parks that are constructed after January 1, 1998.

(e) This section shall remain in effect until January 1, 2012, and
as of that date is repealed, unless a later enacted statute, enacted
before January 1, 2012, deletes or extends that date.

SEC. 2. Section 115800 of the Health and Safety Code, as
amended by Section 2 of Chapter 140 of the Statutes of 2006, is
amended to read:

115800. (a) No operator of a skateboard park shall permit any
person to ride a skateboard therein, unless that person is wearing
a helmet.

1 (b) With respect to any facility, owned or operated by a local
2 public agency, that is designed and maintained for the purpose of
3 recreational skateboard use, and that is not supervised on a regular
4 basis, the requirements of subdivision (a) may be satisfied by
5 compliance with the following:

6 (1) Adoption by the local public agency of an ordinance
7 requiring any person riding a skateboard at the facility to wear a
8 helmet.

9 (2) The posting of signs at the facility affording reasonable
10 notice that any person riding a skateboard in the facility must wear
11 a helmet and that any person failing to do so will be subject to
12 citation under the ordinance required by paragraph (1).

13 (c) “Local public agency” for purposes of this section includes,
14 but is not limited to, a city, county, or city and county.

15 (d) This section shall become operative on January 1, 2012.